

STATE OF NEVADA

STATE EMERGENCY RESPONSE COMMISSION

ORIGINATED BY: Mary Lynne Evans	ORIGINATED DATE: 04/20/00	APPROVED BY: SERC
REVISED BY: Karen J. Kennard	REVISED DATE: 4-12-07	
DATE ISSUED: 04/20/00	DATE EFFECTIVE: 04/20/00	SUBJECT: Certified Assurances and Compliance Certification
PROCESSED BY:	SPECIAL INSTRUCTIONS:	POLICY NO: SERC 8.3

Reference: NAC 459.99149 and 459.99171

PRINCIPLE:

The State Emergency Response Commission will invoke all federal and state rules and regulations which are pertinent to establishing, supervising, and coordinating the LEPCs and grant management. To enforce the laws, regulations and rules, the SERC must be able to demonstrate the LEPCs and grantees/subgrantees are aware of the rules and regulations.

POLICY:

Certified Assurances state various requirements of the grantee in managing grants received from the SERC. Each grantee/subgrantee is required to submit signed Certified Assurances prior to receiving a grant award.

LEPC Compliance Certification states the various requirements of LEPCs to show accountability of federal and state laws and regulations. A LEPC Compliance Certification will be submitted with each grant application. In the event a LEPC does not submit a SERC grant application, the LEPC is required to submit a signed LEPC Compliance Certifications by March 31 of each year.

A State Agency Compliance Certification states the various requirements of the agency to show accountability of federal state laws and regulations. A State Agency Compliance Certification will be submitted with each grant application.

PROCEDURES:

- A. The following requirements must be complied with prior to the start of a grant. The Funding Committee will be notified if an applicant is or is not in compliance of the following:
 1. **CERTIFIED ASSURANCES:** The grantee/subgrantee must sign and submit the Certified Assurances agreeing to abide by the rules and regulations governing

grant funds awarded. This agreement requires the signatures of the Governmental Unit (County Commission, County Manager, head of State agency) and the chairman of the Local Emergency Planning Committee or the State agency project manager. A grant award will not be forwarded to the grantee/subgrantee until the Certified Assurances are properly signed and submitted. Reference the Local Emergency Planning Committee Handbook Policies 8.5 and 8.6 - Financial Reports, Policy 8.7 - Grant Change Request, and Policy 8.8.

2. LEPC COMPLIANCE CERTIFICATION: The LEPC Chair must sign the LEPC Compliance Certification indicating compliance with administrative requirements annually, by March 31. The SERC will verify each requirement. The following must be met by the LEPCs to comply with all applicable federal, local, and state regulations and reported timely to the SERC, even if not currently receiving grant funds:
 - a. Bylaws must be reviewed by the LEPC annually. All changes in the Bylaws, or a letter stating there are no changes, and a current membership list, identifying representation from the 13 EPCRA categories, must be submitted to the SERC by January 31 (Policy 8.9).
 - b. LEPC meetings must be held at least quarterly. All meetings must be conducted in compliance with the Nevada Open Meeting Law (OML), ref: <http://ag.state.nv.us/oml/oml.htm>. Agendas and minutes of all meetings, including special meetings, must be forwarded to the SERC.
 - i. EPCRA requires LEPCs to hold “regularly scheduled meetings”. The SERC has defined regularly scheduled meetings as quarterly meetings.
 - ii. A meeting, to qualify as a quarterly meeting, must have a posted agenda, meeting held and minutes taken, whether or not there was a quorum present. (Refer to Nevada Open Meeting Law)
 - iii. The LEPC may apply to the SERC for a waiver of the quarterly meeting requirement due to extenuating circumstances. Upon cancellation of a timely noticed quarterly meeting for reasons beyond the control of the LEPC, the meeting may be rescheduled to the following quarter with approval of the SERC Co-chairs.
 - iv. The LEPC may apply to the SERC for an exemption of one meeting per fiscal year (July to June), if it is impossible to conduct four meetings for reasons beyond the control of the LEPC. Approval for an exemption of one meeting may be approved by the SERC Co-chairs.
 - c. If a recipient of grant funds, all required reports which summarize the financial management of these grants must be timely submitted to the SERC (Policies 8.5 and 8.6).

- d. The County Hazardous Materials Emergency Plan (or haz-mat portion of the jurisdiction's "all hazards" plan) must be reviewed and updated annually. Plan updates must be submitted to the SERC by January 31 (SERC Policy 8.1).
 - e. LEPCs must exercise their hazardous materials emergency response plans at least annually. This exercise may be a tabletop, full scale, or both (SERC Policies 8.1, and 8.6).
 - f. The Emergency Planning and Community Right-to-Know Act "information availability" must be published in the local newspaper annually (EPCRA Section 312). A copy of the standard Affidavit of Publication must be sent to the SERC. The notice must be published at least once annually to inform the public of the availability of the Material Safety Data Sheets (MSDS) reports, Tier II reports, and hazardous material response plans and provide the location and hours for public view.
3. STATE AGENCY COMPLIANCE CERTIFICATION: The head of the State agency must sign the State Agency Compliance Certification indicating compliance with administrative requirements along with a grant application. The SERC will verify each requirement. The following must be met by the State agency to comply with all applicable federal and state regulations and reported timely to the SERC:
- a. If a recipient of grant funds, all required reports which summarize the financial management of these grants must be timely submitted to the SERC (Policies 8.5 and 8.6).
 - b. The agency must operate under a Hazardous Materials Emergency Plan and that plan must be reviewed and updated annually. Updates must be submitted to the SERC by January 31 (SERC Policy 8.1).
 - c. The agency must participate in a hazardous materials emergency response plans exercise annually (SERC Policies 8.1, and 8.6).
 - d. The agency must participate in a LEPC and/or attend a SERC meeting.